



Rule(s) Review Checklist Addendum
(This form must be filled out electronically.)

This form is to be used only if the rule(s) was/were previously reviewed, and has/have not been amended/repealed subsequent to that review.

All responses should be in **bold** format.

Document(s) Reviewed (include title):

- **WAC 458-20-242A (Pollution control exemption and/or credits for single purpose facilities added to existing production plants to meet pollution control requirements and which are separately identifiable equipment principally for pollution control); and**
- **WAC 458-20-242B (Pollution control exemption and/or credits for dual purpose facilities which are constructed to meet pollution control requirements and which achieve pollution control in the process of production of the plant's products)**

Date last reviewed: **September 6, 2000**

Reviewer: **Allan Lau**

Date current review completed: **January, 31 2005**

Briefly explain the subject matter of the document(s):

Rule 242A provides detailed instructions for determining the amount of the pollution control tax exemption and/or credit from B&O, retail sales, use, and public utility taxes for single purpose facilities added to existing production plants. The rule also explains that credits claimed may be reduced by the net commercial value of materials captured or recovered by the pollution control facility, as well as any federal investment tax credit or other federal tax credits allowed applicable to the facility, and it provides information to make such determinations. Finally, the rule contains information on filing of applications and issuance of certificates.

Rule 242B explains the calculations and procedures to determine the tax exemption or credit from the B&O, retail sales, use, and public utility taxes for certain plant equipment which achieves pollution control in the process of production of a plant's products (dual purpose facilities), as distinguished from add-on pollution control equipment.

Type an "X" in the column that most correctly answers the question, and provide clear, concise, and complete explanations where needed.

1. Public requests for review:

YES	NO	
	X	Is this document being reviewed at this time because of a public (e.g., taxpayer or business association) request?

If "yes," provide the name of the taxpayer/business association and a brief explanation of the issues raised in the request.



2. Related statutes, interpretive and/or policy statements, court decisions, BTA decisions, and WTDs: (Excise Tax Advisories (ETAs), Property Tax Advisories and Bulletins (PTAs/PTBs), and Interim Audit Guidelines (IAGs) are considered interpretive and/or policy statements.)

YES	NO	
	X	Are there any statutory changes subsequent to the previous review of this rule that should be incorporated?
	X	Are there any interpretive or policy statements not identified in the previous review of this rule that should be incorporated? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any interpretive or policy statements that should be repealed because the information is currently included in this or another rule, or the information is incorrect or not needed? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any Board of Tax Appeals (BTA) decisions, court decisions, or Attorney General Opinions (AGOs) subsequent to the previous review of this rule that provide information that should be incorporated into this rule?
	X	Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) subsequent to the previous review of this rule that provide information that should be incorporated into the rule?
	X	Are there any changes to the recommendations in the previous review of this rule with respect to any of the types of documents noted above? (An Ancillary Document Review Supplement should be completed if any changes are recommended with respect to an interpretive or policy statement.)

If the answer is “yes” to any of the questions above, identify the pertinent document(s) and provide a brief summary of the information that should be incorporated into the document.

3. Additional information: Identify any additional issues (other than those noted above or in the previous review) that should be addressed or incorporated into the rule. Note here if you believe the rule can be rewritten and reorganized in a more clear and concise manner.

No additional issues subsequent to the previous review need to be addressed or incorporated into this rule.

4. Listing of documents reviewed: The reviewer need identify only those documents that were not listed in the previous review of the rule(s). Use “bullets” with any lists, and include documents discussed above. Citations to statutes, interpretive or policy statements, and similar documents should include titles. Citations to Attorney General Opinions (AGOs) and court, Board of Tax Appeals (BTA), and Appeals Division (WTD) decisions should be followed by a brief description (i.e., a phrase or sentence) of the pertinent issue(s).



Statute(s) Implemented:

- **Chapter 82.34 RCW**
- **RCW 82.32.160 (Provides for notice of denial of application for pollution control tax exemption and credit certificate)**

Interpretive and/or policy statements (e.g., ETAs, PTAs, and IAGs):

None since last review

Court Decisions:

None since last review

Board of Tax Appeals Decisions (BTAs):

None since last review

Appeals Division Decisions (WTDs):

None since last review

Attorney General Opinions (AGOs):

None since last review

Other Documents (e.g., special notices or Tax Topic articles, statutes or regulations administered by other agencies or government entities, statutes, rules, or other documents that were reviewed but were not specifically relevant to the subject matter of the document being reviewed):

WAC 173-24-010 to WAC 173-24-150 -- tax exemptions and credits for pollution control facilities, administered by the Department of Ecology

The following statutes were referenced to by Chapter 82.34 RCW, Rule 242A, and Rule 242B:

Chapter 70.94 RCW -- Washington Clean Air Act

Chapter 90.48 RCW -- Water Pollution Control

Chapter 82.04 RCW -- Business and Occupation Tax

Chapter 82.08 RCW -- Retail Sales Tax

Chapter 82.12 RCW -- Use Tax

Chapter 82.16 RCW -- Public Utility Tax

Chapter 54.44 RCW -- Nuclear, Thermal, Electric Generating Power Facilities - Joint Development

Chapter 39.84 RCW -- Industrial Development Revenue Bonds



5. Review Recommendation:

 X **Rule 242A** **Amend**

 Repeal/Cancel (Appropriate when action is not conditioned upon another rule-making action or issuance of an interpretive or policy statement.)

 X **Rule 242B** **Leave as is** (Appropriate even if the recommendation is to incorporate the current information into another rule.)

 Begin the rule-making process for possible revision. (Applies only when the Department has received a petition to revise a rule.)

Explanation of recommendation: Provide a brief summary of your recommendation, whether the same as or different from the original review of the document(s). If this recommendation differs from that of the previous review, explain the basis for this difference.

If recommending that the rule be amended, be sure to note whether the basis for the recommendation is to:

- Correct inaccurate tax-reporting information now found in the current rule;
- Incorporate legislation;
- Consolidate information now available in other documents (e.g., ETAs, WTDs, court decisions); or
- Address issues not otherwise addressed in other documents (e.g., ETAs, WTDs, court decisions).

Please see prior review for reasons behind the recommendation to amend Rule 242A. No change of recommendation is made since the last review, because there is no new development relating to Rule 242A and 242B.

6. Manager action: Date: February 2, 2005

 AL Reviewed and accepted recommendation

Amendment priority:

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